

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KOMLA GANU, BENJAMIN PATTERSON,  
CLIVE NEIL, GREGORY JOSE, and ROSALIA LAPENA,  
Plaintiffs,

- against -

METROPOLITAN COLLEGE OF NEW YORK, STEPHEN  
GREENWALD, PAUL LERMAN, ROBERT GILMORE,  
RALPH LEAL, and SUSAN LATHAM,

Defendants.

07 Civ. 9899 (VM)

CIVIL CASE MANAGEMENT PLAN  
AND SCHEDULING ORDER

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4-18-08

This Scheduling Order and Case Management Plan is adopted in accordance with Fed. R. Civ. P. 16-26(f).

1. This case (is) (~~is not~~) to be tried to a jury: [circle one]
2. Joinder of additional parties to be accomplished by: N/A.
3. Amended pleadings may be filed without leave of the Court until 30 days after service of plaintiffs' Amended Complaint.
4. Initial disclosure pursuant to Fed R. Civ. P. 26(a)(1) to be completed within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f), specifically by not later than May 2, 2008.
5. All fact discovery is to be completed either:
  - a. Within one hundred twenty (120) days of the date of this Order, specifically by not later than \_\_\_\_\_; or
  - b. Within a period exceeding 120 days, with the Court's approval, if the case presents unique complexities or other exceptional circumstances, specifically by not later than November 30, 2008.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties are certain that they can still meet the discovery completion date ordered by the Court.
  - a. Initial requests for production of documents to be served by May 26, 2008.
  - b. Interrogatories to be served by all parties by May 26, 2008.
  - c. Depositions to be completed by October 15, 2008.
    - i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production
    - ii. Depositions of all parties shall proceed during the same time.

iii. Unless the parties agree or the Court so orders, non-party depositions shall follow party depositions when possible.

d. Any additional contemplated discovery activities and the anticipated completion date:

All responses to requests for discovery and interrogatories to be served on or before June 30, 2008.

HIPAA-compliant medical authorizations to be provided by Benjamin Patterson, by May 30, 2008, such as will enable defendants to obtain medical records from all physicians, hospices, hospitals, pharmacies etc., where Mr. Patterson obtained treatment for the medical condition underlying his FMLA.

HIPAA-compliant authorizations to be provided, no later than May 30, 2008, by all plaintiffs such as will enable defendants to obtain any and all medical, examination and psychiatric records relating to their respective claims of mental anguish and emotional distress.

All plaintiffs to provide authorizations for tax records, including, but not limited to, W-2s, for 2 years prior and 1 year subsequent to the date of termination from MCNY, by May 30, 2008.

Requests to Admit to be served no later than October 30, 2008.

*plaintiffs to submit to independent medical and/or psychiatric exams*

7. All expert discovery (ordinarily conduct following the completion of fact discovery) including parties' expert reports and depositions, witness lists and identification of documents pursuant to Fed. R. Civ. P. 26 (a)(2), (3) and 35(b) is to be completed by:

a. Plaintiff All expert discovery, including depositions, to be conducted no later than December 31, 2008.

b. Defendant All expert discovery, including depositions, to be conducted no later than December 31, 2008.

c. Contemplated Motions

d. Plaintiffs: Discovery motions, as needed.

e. Defendants: Discovery motions, as needed; summary judgment motion.

8. Following all discovery, all counsel must meet for at least one hour to discuss settlement, such conference to be held not later than January 15, 2009.

9. Do all parties consent to trial by a Magistrate Judge under 28 U.S.C. § 636(c)?

Yes \_\_\_\_\_

No x \_\_\_\_\_

**TO BE COMPLETED BY THE COURT:**

10. The next Case Management Conference is scheduled for 12-5-08 at 10:00 a.m.

In the event the case is to proceed to trial, a firm trial date and the deadline for submission of the Joint Pretrial Order and related documents shall be scheduled at the pretrial conference following either the completion of all discovery or the Court's ruling on any dispositive motion.

The Joint Pretrial Order should be prepared in accordance with Judge Marrero's Individual Practices. If this action is to be tried before a jury, proposed voir dire and jury instructions shall be filed with the Joint Pretrial Order. No motion for summary judgment shall be served after the deadline fixed for the Joint Pretrial Order.

**SO ORDERED**

DATED: New York, New York

17 April 2008

  
VICTOR MARRERO  
U.S.D.J.